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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,216	10/20/2003	Richard Mammone	Child-001	4069
7590	04/24/2006		EXAMINER	
Arthur M. Peslak, Esq. MANDEL & PESLAK, LLC Suite 5 80 Scenic Drive Freehold, NJ 07728			NGUYEN, CAM LINH T	
			ART UNIT	PAPER NUMBER
			2161	
DATE MAILED: 04/24/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/689,216	MAMMONE, RICHARD	
	Examiner CamLinh Nguyen	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 October 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 2 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/20/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

This Office Action is response to Application filed on 10/20/2003.

Claims 1 – 2 are currently pending in the application.

### ***Information Disclosure Statement***

1. The information disclosure statement filed 2/15/2003 is in compliance with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. It has been placed in the application file and the information referred to therein has been considered as to the merits.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the telephone means, apparatus which comprises an Internet accessible database, means for other users to report back to the apparatus, means for disseminating the sighting information, a web server, means for activating the apparatus, means for determining the location, means for broadcasting an alarm, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the

drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The disclosure is objected to because of the following informalities: the specification is missing the "Brief summary of the invention", according to MPEP (see the guidelines below)

Appropriate correction is required.

4. The abstract of the disclosure is objected to because the abstract exceed 150 words in length. Correction is required. See MPEP § 608.01(b).

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

**Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program

listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or

REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a).

"Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(f) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

### **Content of Specification**

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.

- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
- (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
  - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (l) Sequence Listing: See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2161

7. Claims 1 - 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, claims 1 – 2 recite the feature of “user who is reporting the kidnapped or missing person...” The pronoun “who” is not permitted in the claims, and therefore, render the claims indefinite. Only what is being referred by “who” should be set forth in the claims.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1 – 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Frankel et al (U.S. 6,449,611 B1).

♦ As per claim 1,

Frankel discloses a method for locating a kidnapped or missing person by providing a model for recovery of missing person using the Internet (see the Title) comprising the following steps:

- “Providing apparatus which comprises an Internet accessible database” corresponds to either modem, cable modem, wireless modem, DSL (See col. 6, lines 1 – 5). Frankel teaches that the user is able to access the Internet using anyone of the above apparatus; as well as a business model for using the Internet to provide and disseminate a central database of missing person (col. 1, lines 10 – 15).

- “Registering a plurality of users to input information on a plurality of persons into the database” corresponds to a methodology that allows a user to register or log in (see Fig. 1, element 22, col. 6, lines 9 – 10). “To input information on a plurality of persons into the database” corresponds to the information that user inputs into the database (see col. 6, lines 10 – 12, 31 – 46).
- “Inputting identification and location information on the plurality of persons into the database for retrieval at a later date” corresponds to the information that user inputs into the database about the missing person (see col. 6, lines 10 – 12, 31 – 46). This information can include user information and the person that user want to locate at a later time. Frankel discloses that user can select from plurality of categories (col. 6, lines 27 – 28). Frankel provides examples description for item and goods. However, the user can also select a category that related to missing person as disclosed by Frankel (see the title and the abstract).
- “Providing telephone means for activating the apparatus to assist in locating the kidnapped or missing person” corresponds to the pay phone (See col. 4, lines 29 – 30, col. 5, lines 11 – 13). Frankel teaches a methodology that allows the user to access the Internet or database using a pay phone. Therefore, when using the phone, the user can register or login (activate the apparatus) to assist in locating the kidnapped or missing person.
- Activating the apparatus by telephone means from a first registered user who is reporting the kidnapped or missing person to assist in locating the person” corresponds to the methodology that allows a user to register or log in or activating the apparatus (see Fig. 1,

element 22, Fig. 2, element 112, col. 6, lines 9 – 10) using the telephone (col. 5, lines 11 – 13) to report the kidnapped or missing person by selecting a recovery system (see Fig. 2, element 116 – 118, col. 7, lines 38 – 42).

- “Determining the location of the first registered user” corresponds to the methodology that allows the system to identify the location of the registered user through an automated ownership verification, which encodes a means to identify the location of an ownership determination (see col. 8, lines 48 – 60).
- “Broadcasting an alarm to a plurality of other registered users in a geographic area in a specific proximity of the first registered user wherein the alarm will contain stored identification and location information on the kidnapped or missing person” corresponds to a methodology that allows the recovery system to transfer information to other service carriers such as agency, web site, terminal or the like (col. 7, lines 64 – col. 8, lines 18), especially, the mechanism that transmits a signal to other agencies.
  - “An alarm” corresponds to the posting request from the user entered to the system.
  - “Plurality of other registered users” corresponds to the service carriers such as agency, web site, terminal or the like (col. 7, lines 64 – col. 8, lines 18).
  - “In a geographic area in a specific proximity of the first registered user” see col. 9, lines 55 – 58. Frankel discloses a methodology that allows the system to determine the original location (col. 9, lines 44 – 45), and then transfer the request to a geographic location respective to the original location (see col. 9, lines 55 – 58).

- “The alarm will contain stored identification and location information on the kidnapped or missing person” See col. 6, lines 52 – 57 wherein Frankel teaches that the request include information that user entered and the user can validate the information. Referring to Fig. 2, step 120, the user is requested to enter new information (such as information about the missing person) (see col. 7, lines 59 – 61). In step 122, the system would verify the entered information is complete and correct by comparing to previously submitted information (col. 7, lines 61 – 64). Therefore, the request would include the “stored information” (previously submitted information) and location information (new information about the kidnapped person).
- “Providing means for the plurality of other users to report back to the apparatus a sighting of the kidnapped or missing person” corresponds to the apparatus that the other users use to inquire the information or to report back to the apparatus a sighting of the kidnapped or missing person (See Fig. 1, element 20 – 24).
- “Providing means for disseminating the sighting information to the first registered users and to law enforcement authorities” corresponds to the apparatus that the system uses to return the information to the seeking party (Fig. 3, element 228, col. 3, lines 4 – 6, col. 4, lines 23 – 25). “The first registered users and to law enforcement authorities” corresponds to the agency or user or proper authorities (col. 8, lines 34 – 35) that uses the system to post the information on the missing person (see col. 7, lines 65 – col.8, lines 2).

♦ As per claim 2,

Claim 2 is rejected based on the rejection of claim 1 further includes the following limitations:

Frankel discloses an apparatus for use in locating a kidnapped or missing person by providing a model for recovery of missing person using the Internet (see the abstract) comprising:

- “An Internet web server comprising a database adapted to store identification and location information for a plurality of persons and a plurality of registered users” corresponds to either modem, cable modem, wireless modem, DSL (See col. 6, lines 1 – 5). Frankel teaches that the user is able to access the Internet using anyone of the above apparatus. “A database” (see the abstract).
- “Means for activating the apparatus through a telephone” corresponds to the pay phone (See col. 4, lines 29 – 30, col. 5, lines 11 – 13). Frankel teaches a methodology that allows the user to access the Internet or database using a pay phone. Therefore, when using the phone, the user can register or login (activate the apparatus) to assist in locating the kidnapped or missing person.
- “Means for determining the location” corresponds to one component of the recovery system to determine the location (see col. 8, lines 56 – 60).
- “Means for broadcasting an alarm” corresponds to one component of the recovery system to transfer the request to the terminals.
- “Means for the other user to report back” corresponds to the apparatus that the other users use to inquire the information or to report back to the apparatus a sighting of the kidnapped or missing person (See Fig. 1, element 20 – 24).
- “Means for disseminating” corresponds to the apparatus that the system uses to return the information to the seeking party (Fig. 3, element 228, col. 3, lines 4 – 6, col. 4, lines 23 – 25).

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Robert Adler (U.S. 6,581,073 B1) discloses a remote automated notice system.
- Toubia et al (U.S. 6,317,049 B1) discloses an apparatus and method for locating missing person, animals, and objects.
- Goldstein et al (U.S. 2002/0113711 A1) discloses a method for alerting a user locator entity of lost persons.
- Goldstein et al (U.S. 2002/0116393 A1) discloses a method for automatic electronic transmission of lost person information.
- Koshima et al, "Personal locator services emerge", 2/2000, IEEE xplore, page 41 - 48.
- Tom Gross, "PRAVTA- A Light-Weight Mobile Awareness Client", April 2001, Siggroup Bulletin, volume 22, No. 1, page 3 - 7.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272 - 4024. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GAFFIN JEFFREY can be reached on (571) 272 - 4146. The fax phone number for the organization where this application or proceeding is assigned is 571 – 273 - 8300.

Art Unit: 2161

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen, Cam-Linh

Art Unit 2161

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A handwritten signature in black ink, appearing to read "Nguyen, Cam-Linh". The signature is written in cursive and is underlined.